

REMARKS

Claims 1-4 remain pending in the application.

Reconsideration of the rejections and allowance of the pending application in view of the foregoing amendments and following remarks are respectfully requested.

In the Office Action, the specification is objected to because the title of the invention is allegedly not descriptive. The specification is further objected to as failing to provide proper antecedent basis for the claimed subject matter. In this regard the Examiner has asserted that a correction in “circular shaped teeth are formed at the other end” in claim 1 is required.

In response, the title of the invention has been changed to “AN OPEN-TYPE TRAY HAVING A DOOR CONFIGURED TO BE RECEIVED WITHIN AN INNER SIDE THEREOF”, and claim 1 has been amended to change “of which circular shaped teeth are formed at the other end” therein to —having an arc shaped toothed portion formed at another end—. Thus, the objections to the specification are now believed to be moot.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In this regard the Examiner has asserted that the limitation “with arc shaped teeth formed at the other end” in claim 1, line 13, has insufficient antecedent basis for this limitation in the claim.

In response, claim 1 has been amended to change “with arc shaped teeth formed at the other end” in claim 1, line 13, to “with the teeth of the arc shaped toothed portion”. Thus, the rejection under 35 U.S.C. 112, second paragraph, is now believed to be moot.

In the Office Action claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukuo, U.S. Patent No. 7,063,225. This rejection is respectfully traversed.

Independent claim 1 has been amended to more clearly define a feature of the invention and to more clearly distinguish over the applied prior art reference by further clearly defining the limitation of the rotary member. In this regard, the Examiner's attention is directed to Figs. 2-5 of Applicant's application.

An open-type tray of the presently claimed embodiment, as recited in amended claim 1, includes, inter alia, a locking device installed at a corresponding portion of a housing and a door to selectively open/close the door installed at a front surface of the housing, a connecting member formed at each opposite end of the door to receive a force that opens the door with the locking device released, a rotary member hinged to the connecting member at one end, having an arc shaped toothed portion formed at another end, and rotatably installed at a side surface of the housing, a resilient member that opens the door by moving the connecting member hinge connected to the rotary member by rotating the rotary member with a recovery force, and a damper member having a toothed circular portion, the teeth of which engage with the teeth of the arc shaped toothed portion of the rotary member, and configured to be rotated with a uniform speed.

Applicant respectfully submits that the reference relied upon in the rejection under 35U.S.C. 102(e) does not disclose such a combination of features. In particular, the open-type tray in the present embodiment including a rotary member 70 hinged to the connecting member 90 at its one end is not disclosed in Fukuo.

In comparison, in Fukuo the free end 32, which the Examiner appears to assert as the rotary member 70 of the present embodiment is disclosed, is not hinged to the shaft

portion 35. Rather, in Fukuo the free end 32 is integrally formed with the door. Therefore, Fukuo does not disclose the open-type tray including a rotary member hinged to the connecting member at its one end as recited in claim 1.

Thus, Fukuo does not anticipate the presently claimed embodiment, and thus the Examiner's rejection of claim 1 under 35 U.S.C. §102 (e) is improper.

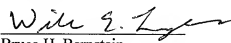
Independent claim 1 is now in condition for allowance in view of the amendments and the above-noted remarks. Dependent claims 2-4 are also submitted to be in condition for allowance in view of their dependence from the allowable base claim and also at least based upon their recitations of additional features of the present invention. It is respectfully requested, therefore, that the rejection under 35 U.S.C. 102(e) and on the second paragraph of 35 U.S.C. 112 be withdrawn and that an early indication of the allowance thereof be given.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based on prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to be attached thereto.

Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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